

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:16-cv-00037-RJC**

In re:

ERIK M. DUNLAP,

Debtor.

ERIK M. DUNLAP,

Appellant,

v.

**EDUCATIONAL CREDIT
MANAGEMENT CORPORATION,**

Appellee.

ORDER

THIS MATTER comes before the Court sua sponte and upon Appellant's Response to the Court's Show Cause Order. (Doc. No. 9). Appellant missed his deadline to file his brief in this Bankruptcy appeal. Thereafter on May 10, 2016, Appellant filed his brief; however, he failed to request an extension of time or to show good cause for his failure to comply with the deadline. (Doc. No. 6). On May 20, 2016, the Court issued an Order directing Appellant to show good cause as to why the Court should deem his brief to be timely filed. (Doc. No. 7). Appellant filed his Response to Show Cause Order on May 24, 2016. (Doc. No. 9).


The Court has reviewed Appellant's Response. Although the Court views Appellant's failure to comply with the scheduling order and failure to request an extension of time prior to the deadline expiring as irresponsible and negligent, the Court finds that Appellant's failures do not equate to bad faith. Therefore, the Court finds that Appellant has provided sufficient cause,

if barely, for why he was late in filing his brief, and his appeal is permitted to go forward.

Counsel should not expect the Court to accept any further excuses and should be prepared either to timely file additional papers as needed or forfeit his right to do so.

IT IS, THEREFORE, ORDERED that Appellant's Response to Show Cause Order, (Doc. No. 9), provides sufficient explanation for the late filing of Appellant's brief and that Appellant's brief is deemed to have been timely filed. Appellee shall have fourteen (14) days from the entry of this order to file its brief.

Signed: June 6, 2016


Robert J. Conrad, Jr.
United States District Judge

